



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,890	09/25/2001	Douglas J Bueley	3876-00183	3763

23598 7590 10/10/2006

BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C.
250 E. WISCONSIN AVENUE
SUITE 1030
MILWAUKEE, WI 53202

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/700,890	Applicant(s) BUELEY ET AL.	
	Examiner Michael J. Fisher	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8, 11-13, 17-20, 22-25 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,238,027 to Kohler et al. (Kohler).

As to claims 1, 17, 23, 24, 25, Kohler discloses a cabinet with storage area interior (fig 1) with door mounting arrangement with a door (20 as best seen in fig 1), a hinge having pivotable first (21.2, fig 2) and second (21.1) sections, a mounting member (10.1) to which the second hinge section is secured and interacts with at least a pair of spaced opening for fixing the hinge relative to the structural member (screw holes with screws, as best seen in figs 2 and 5).

As to claim 2, Kohler discloses the openings are formed on an inner wall facing (fig 5).

As to claims 3,25, the mounting member has an engagement structure that interacts with the spaced openings (screw holes).

As to claims 4,20, the releasable, locking members are the screws.

As to claim 5, the screws are selectively engaged within one of the openings, i.e. screwed in.

As to claim 6, the screws are engaged within the openings by the portion that engages the screws.

As to claim 7, the locking position would be when the screws are tightened and when the screws are unscrewed would be when they allow disengagement.

As to claim 8, the locking member would be "biased" toward its locking position by friction when tightened.

As to claim 11, there are substantially parallel inner and outer walls (as best seen in fig 5).

As to claims 12,18, there is an intermediate wall between the two parallel walls (as best seen in fig 5).

As to claims 13,22, the door is mounted by when the hinges are engaged (fig 2).

As to claim 18, the spaced engagement members extend from the inner toward the outer wall (as they are three dimensional, they would extend in any direction).

As to claim 31, the doors are mounted to each vertical, structural member (fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9,10,21, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler as applied to claims 1-8, 11-13,17-20,22-25 and 31 above, and further in view of US PAT 1,368,604 to Carmody.

Kohler discloses a method as discussed above.

As to claims 9 and 26, Kohler does not, however, teach a spring biasing member that biases the engagement members. Carmody teaches a spring biasing member (lock washer with spring pawls as best seen in fig 2) that biases an engagement member toward locking (as is inherent in this type of lock washer). It would have been obvious to one of ordinary skill in the art to use the lock washers as taught by Carmody in the method as disclosed by Kohler to ensure that the screws stay tightened as lock washers are very old and well known in the art.

Art Unit: 3629

As to claim 10, the washer would be between the engagement member and the locking member.

As to claims 21 and 27, it is still possible to unscrew a screw with such a washer, thereby meeting the limitations as claimed.

Claims 14-16 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler as applied to claims 1-8, 11-13, 17-20, 22-25 and 31 above.

As to claims 14-16 and 28, latches on doors are very well known in the art to keep the door closed. Therefore, it would have been obvious to one of ordinary skill in the art to have a latch on the door that latches the door shut to keep the door from opening accidentally.

As to claim 29 and 30, it is very well known in the art to have shelf support brackets for shelves in cabinets. Therefore, it would have been obvious to one of ordinary skill in the art to have shelves with brackets supporting them to allow the cabinet to store material on more than just the floor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner
GAU 3629

MF
9/29/06